

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
January 24, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Ed Krasinski, Victim/Witness Advocate; Harold Stepper, County Planner; Jeremy Vivrette, Gwen Mitchell, Ken Vivrette, Kary Robinson, Leslie Thomas, Kenda Erickson, Karen Davidson

MINUTES

Commissioner Weber moved to approve the minutes of December 20, 2005. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of January 3rd. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of January 10th. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of January 17th. Commissioner Notbohm seconded. The motion carried.

CALENDAR REVIEW

- 1 /25 JLDC - 2:00
Jefferson River Watershed - Whitehall - 7:00
- 1 /26 Solid Waste Safety Meeting - 7:00
Southwest Region Juvenile Detention - Galen - noon
Meet with Lewis & Clark Commission - 1:30
Health Board - 6:30
- 1 /27 CSAA - Helena - 10:00
- 1/30 Planning department interviews
- 1/31 Public Hearing regarding Meth Treatment Facility - 7:00

COMMISSION REPORTS

January 24, 2006 minutes.wpd

MONTANA CITY INTERSECTION

Commissioner Lythgoe reported that he attended the informational meeting regarding the Montana City intersection. There were probably 40 people in attendance, and it was a good meeting. This will be the first roundabout in Montana.

MONTANA TUNNELS

Commissioner Lythgoe reported that he attended a meeting at Montana Tunnels on Thursday. Dave Russell, the CEO, Melvin William, the Financial Officer, Manager Tim Smith, Tom Harrington, Bob Marks, Joe Calnan, Pamela Haxby-Cote and Evan Barrett were in attendance. The purpose of the meeting was to find out if there is anything that the Governor or the state could do to help Montana Tunnels. There is nothing specific that they can do, but they did discuss some loan programs that they may be eligible for. Evan indicated that the Governor is pro-mining, and hopes that by the end of his term there will be additional mines operating in Montana, and that the DEQ permitting process will be easier. The mine people were pleased to hear this. The Governor is putting in place a panel to study the regulations in place regarding energy, and Commissioner Lythgoe stated that he feels that they should suggest that a panel also be formed to study mining regulations. He asked the other Commissioners' opinion on writing a letter to this effect. On the other hand, maybe they should find out from the people who are really impacted by the regulations if this is something that they would like the Commission to do. Commissioner Weber stated that he is talking to Golden Sunlight. Commissioner Notbohm noted that Commissioner Lythgoe was at the meeting and has had contact with Tunnels. He feels that it would be appropriate for him to speak to Tunnels.

GOLDEN TRIANGLE

Commissioner Weber reported that he attended a Golden Triangle governing board meeting the previous day. They dealt with a personnel issue, then reviewed the budget. There is a new counselor in the Boulder office.

BOULDER VALLEY BANK

Commissioner Notbohm reported that the Boulder Valley Bank branch located in Montana City is planning for a building expansion. There is a drawing on the plat that showed waste water drainage. He did some research with Harold, Bonnie and Megan, and it was found that the drain field was never put in.

WHITEHALL SKATE PARK

Commissioner Weber reported that he has been attending the planning meetings for the Whitehall Skate Park. MRL has given permission for the park to be located on MRL property.

MONTANA CITY INTERCHANGE

Commissioner Lythgoe reported that he received an e-mail from Blair Nordhagen with MDT regarding the lighting at the Montana City Intersection, and whether we want decorative or regular lighting. If the County wants the decorative lighting, the County needs to pay for it. Commissioner Lythgoe stated that his response is that this will have to be put on an agenda for an official decision. The community wants the decorative lighting, and the roundabout is costing the state less than a traditional intersection; he feels that MDT should pay for this.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - GWEN'S CORNER MINOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report and recommended that preliminary plat approval be granted. Commissioner Lythgoe moved to grant preliminary plat approval to the Gwen's Corner minor subdivision. Commissioner Weber seconded. The motion carried.

FINAL PLAT APPROVAL - BENSON MINOR SUBDIVISION #2

Harold stated that all conditions of approval have been met, and recommended that final plat approval be granted. Commissioner Weber noted that in the bottom corner of the subdivision, the road dips out, and asked if there is an easement. Jeremy Vivrette stated that this is Warm Springs Creek Road. Commissioner Weber moved to grant final plat approval to the Benson Minor subdivision #2. Commissioner Notbohm seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - AMENDED PLAT OF SOUTHERN VIEWS MINOR SUBDIVISION

Harold presented his staff report and noted that a variance had been granted, as one of the lots is less than five acres. He recommended that preliminary plat approval be granted. Commissioner Weber asked if the variance will affect the zoning, if it is re-opened. Harold stated that once the Board of Adjustment grants a variance, it is in effect forever. Commissioner Lythgoe noted that when he first did this subdivision, there was a four-acre minimum. When the zoning commission re-did the zoning after that, they went to a five-acre minimum. Commissioner Notbohm moved to grant preliminary plat approval to the Southern Views minor subdivision. Commissioner Weber seconded. The motion carried, with Commissioner Lythgoe abstaining.

PRELIMINARY PLAT APPROVAL - FENSKE MINOR SUBDIVISION

Harold presented his staff report and recommended that preliminary plat be granted. Commissioner Weber moved to grant preliminary plat approval to the Fenske Minor subdivision. Commissioner Notbohm seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - SACRY MINOR SUBDIVISION

Harold presented his staff report and recommended that preliminary plat approval be granted. He stated that they would notice that a road on the plat is an old county road. Research needs to be done to determine if this road is still on the county roles or if it was abandoned when the Edwards Addition went in. The Commission may see a petition for abandonment before final plat. Commissioner Weber moved to grant preliminary plat approval to the Sacry Minor subdivision. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

SIGN VICTIM/WITNESS ADVOCATE GRANT APPLICATION

Ed Krasinski, Victim/Witness Advocate, stated that last year, the Commission voted to put

\$5,000 hard funds into his budget. This went to cover fringe benefits, which is calculated at 30% of his base salary. The other input from the county is in-kind - office space, phones and time with the County Attorney. Commissioner Weber moved to authorize \$5,000 be put in the Victim/Witness Advocate budget and to authorize the Chair to sign the continuation grant application. Commissioner Notbohm seconded. The motion carried.

DISCUSS REORGANIZATION OF NORTH JEFFERSON COUNTY ZONING COMMISSION

Commissioner Lythgoe read an e-mail from Bruce Suenram, who was on the original zoning commission and is currently on the Board of Adjustment. Bruce is in support of re-opening the zoning. Commissioner Weber stated that Frank Carey has also approached him with the same concerns. Frank is also a member of the Board of Adjustment.

Ken Vivrette stated that he was personally more involved with the Crossfire Estates zoning, and he doesn't want to see that area re-opened. Currently, the City of Helena is developing right up to the county line. Ken noted that he is on the governmental affairs committee for Lewis and Clark County.

Commissioner Lythgoe stated that he and Harold have been to all the meetings regarding the South Helena Interchange, and he has talked to Tim Burton regarding this issue. He asked that water and sewer be brought right to the county line. There has already been two situations where people on the Jefferson County side want to hook into water and sewer. One issue that they also need to work out is that they initially hear that a few people could hook up without the need to annex. The latest is that if even one person hooks up, they will need to be annexed into the City of Helena. He asked Ken for clarification that he does not want the Crossfire area reopened. Ken stated that the Crossfire area is pretty much all defined. The areas to be developed by Peccia and Dahl are more up in the air.

Commissioner Notbohm stated that he has concerns regarding annexation, noting that there are a lot of other considerations, such as school districts and fire protection. He also asked where they are planning to re-open the zoning, on one or both sides of the interstate. Commissioner Lythgoe stated that this is something that the zoning commission will have to decide. Zoning needs to come from the citizens, but the Commission can give some direction.

Ken Vivrette stated that he and Bruce have discussed the need for this. They are getting a lot of questions. Ken stated that he would like to be part of the new zoning commission. Commissioner Notbohm stated that in his opinion, the area on the east side of the highway should be set up like a city. Commissioner Lythgoe stated that the Commission will have the final say, and there will also be public meetings.

Harold stated that they need to look at the statute that governs this. The Commission appoints the zoning commission, and can give them direction. He stated that his office is hearing a lot about multi-family dwellings; these are not provided for in the current zoning. As zoning administrator and planner, he can track what is happening, and growth is occurring in areas where there is no zoning. The definition of basic resource doesn't apply to what the area is like

on the east side of the interstate; it is best to try to contain the sprawl. Commissioner Lythgoe stated that what Harold is saying is that the scope of work for the zoning commission maybe should be somewhat limited. Ken Vivrette stated that major landowners are seeing what happened with the Jack Mountain subdivision, and are thinking that large parcels are not necessarily the way to go. He would like to do this in three separate pieces. Commissioner Lythgoe asked Commissioners Notbohm and Weber if they feel it best to have separate zoning commissions for the different areas of the county. Commissioner Notbohm stated that this is not a problem in his district; the growth is in the north and south. Commissioner Weber stated that the only direct contact from a citizen in his district is not to touch the ag zoning. Commissioner Lythgoe stated that it is policy not to address anything unless it is brought forward by citizens. Nothing will be done in the south or central part of the county at this time. Commissioner Notbohm stated that he is not opposed to doing the north end in two pieces. Ken stated that the Crossfire area could probably be left alone, unless someone wants to look at it. They should definitely look at both sides of the highway.

Commissioner Lythgoe asked about the Jefferson City area. Harold stated that the building activity in the area doesn't warrant it at this time. The main area to be looked at should be the east side of the highway; the west side is pretty well taken care of, with the exception of the Jackson Creek area. With the large landowners in the Jackson Creek area, they could end up with spot zoning, which they don't want. Commissioner Lythgoe stated that they need to look at it though, because he has been approached.

Commissioner Weber stated that what he thinks is important is that this is public-driven. The hot spot is the City of Helena on our border. If they have gotten input that people want the zoning re-opened, they need to do this. He also asked if the zoning commission should study the viability of water and sewer at the county level, rather than annexation into Helena. Ken stated that one thing that they are doing in Lewis and Clark County, is that any subdivision that has community water and sewer needs to have a hookup to allow for connection into the city water and sewer if it is needed at some point.

Harold stated that one additional thing to look at if they are going to re-open the zoning, is that they have some errors in the area.

Commissioner Lythgoe asked about the organization of the zoning commission. Harold stated that he has a list of members of the original commission, which consisted of fourteen people. The way it was put together was the three Commissioners, three Planning Board members, and the rest at -large citizens. Commissioner Weber asked if the at-large members represented different areas. Harold stated that he is not sure, but it appears so. Ken stated that most seem to be from the east side of the interstate. Commissioner Lythgoe stated that an ad will need to be placed in the paper asking for people who are willing to serve. Commissioner Weber stated that it would be appropriate for the Planning Board to appoint their representatives. Commissioner Lythgoe stated that Harold will need to take this to the Planning Board, and the Commission office will get an ad in the paper.

Commissioner Weber moved to re-establish the north Jefferson County zoning commission by

advertising in the newspaper for volunteers to sit on that commission, and to ask the Planning Board to name three people to sit on the commission, and that the three Commissioners will also sit on the commission. Commissioner Notbohm seconded. Discussion followed. Commissioner Notbohm stated that it will be important how the advertising is done, so that they get a good split on where the members reside. Commissioner Lythgoe stated that Ash Grove is going to have a problem with what may happen. Harold stated that he would suggest that the zoning commission have a representative from Ash Grove. He would also suggest that when people apply, they provide their physical address. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Kenda Erickson, a chemical dependency counselor who lives in Basin, stated that she represents a group of citizen with concerns regarding the meth treatment facility that could possibly be located in Boulder. She stated that it is her understanding that the JLDC will be having a meeting with Boyd Andrew regarding the facility on the 31st. She would request that the Commission hold a public, evening meeting before that for public input and education. Commissioner Weber stated that he is a bit confused. The meeting on the 31st is a public meeting held for the purpose to address the concerns that she presents. Kenda stated that the RFP calls for support from the governing body, and noted that the JLDC is not the governing body. Also, there is a proposed land transfer for the building site, and once the transfer goes through, the facility is going to happen. Commissioner Weber noted that the meeting on the 31st is not the Commission's meeting, and they can't go in and take it over. Kenda stated that she is asking that a public meeting run by the governing body be held.

Commissioner Notbohm stated that the meeting on the 31st will be informational. He also stated that he went with Harold Stepper to the Land Board, and the land will only be transferred if Boyd Andrew is awarded the bid, and noted that there are several others that are vying for the bid. The bid will be awarded in March, and once awarded will have a very tight time frame. In his opinion, the Commission has already given their support to the project. It is a good use of the land, there will be good paying jobs, and it will be good for the economy. The JLDC is the County's representative for economic development in the county. He reiterated that he is in support of this facility being located in Boulder. Kenda asked if this will be true even if there is significant opposition. Commissioner Notbohm stated that he hasn't heard any opposition; the Commission has gotten one letter.

Leslie Thomas stated that she is also concerned. The reason the Commission is not hearing any opposition is that the people aren't informed. They need a public hearing where citizens can ask questions when they have more information. There are three institutions in Boulder already, and asked if that is to be the future of Boulder. The people who she has talked to about this fee; that they are being railroaded. If a public hearing is required, she would like to have that opportunity. Commissioner Notbohm stated that what usually instigates more public hearings is public input.

Commissioner Lythgoe stated that he doesn't disagree with this at all. However, the Commission had three meetings where this issue was on the agenda, it has been written about numerous times in the local paper and also the *Independent Record*. The meeting on the 31st is exactly the type of meeting that they are asking for. The public will have the opportunity to

come and listen and ask questions. If after the meeting takes place, they feel it is necessary to have an additional meeting, they can do that. Hopefully, there will be a good turnout on the 31st. Leslie asked that if there is significant concern, the Commission will have a public hearing. Commissioner Lythgoe stated that regarding the Solid Waste Board's closing of the metal pile, the Commission heard from 1000 people that this is a bad idea. With this issue, they have heard from two. People with concerns need to go to the meeting on the 31st. If the Commission feels that there needs to be another meeting, they can certainly do that. Hopefully, the whole world will show up on the 31st and everyone's concerns will be addressed.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER